

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

CASE NO. 5:05-cr-00215 EJD

Plaintiff(s),

v.

**ORDER RE: TREATMENT OF
DEFENDANT FOR RESTORATION TO
COMPETENCY PURSUANT TO 18 U.S.C.
§ 4241(d)**

ERIC AARON LIGHTER,

Defendant(s).

Defendant Eric Aaron Lighter ("Defendant") was convicted on December 20, 2011, of eight counts of wire fraud in violation of 18 U.S.C. § 1343, three counts of witness tampering in violation of 18 U.S.C. § 1512, three counts of blackmail in violation of 18 U.S.C. § 1873, and one count each of conspiracy to defraud the United States, conspiracy to commit wire fraud, and conspiracy to commit blackmail and witness tampering, all in violation of 18 U.S.C. § 371. See Docket Item No. 244.

On September 10, 2014, the court held an evidentiary hearing pursuant to 18 U.S.C. § 4241 to determine Defendant's competency to be sentenced. Having heard and considered the testimony of Dr. John Chamberlain as well as the arguments of counsel, the court finds and orders as follows:

1. The court finds by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings

against him and to assist properly in his defense.

2. Pursuant to 18 U.S.C. §§ 4241(d)(1) and (2), Defendant is committed to the custody of the Attorney General who shall transport Defendant to a suitable medical facility for treatment for such a reasonable period of time as is necessary to determine whether there is substantial probability that in the foreseeable future Defendant will attain the capacity to permit the sentencing proceedings to go forward.
3. If, at any time, the director of the medical facility in which Defendant is hospitalized determines that Defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the director shall promptly file the certificate described in 18 U.S.C. § 4241(e).
4. However, if, after a period of four months, the director of the facility in which defendant is hospitalized determines that Defendant has not recovered to such an extent that he is able to understand the nature of the consequences of the proceedings against him and to assist properly in his defense, the director shall file a written status statement which (1) indicates that Defendant has not so recovered, and (2) provides an opinion as to whether there is a substantial probability that Defendant's condition will so improve should he be hospitalized for an additional period of time.
5. The court will schedule a status conference to review Defendant's condition upon receipt of either the certificate or status statement described above.

IT IS SO ORDERED.

Dated: September 15, 2014


EDWARD J. DAVILA
United States District Judge